THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2217 of 2006

Dated: 14.08.2007

Between:

Kalam Suramma.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. By its Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2217 of 2006

ORDER:

Fifth respondent herein filed LTRP No.79 of 2004 before fourth respondent under the

Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 for ejectment of the petitioner from land admeasuring Acs.21.87 in survey Nos.3/1 and 7/3 situated at Rajupalem, Village, Gangavaram Mandal, East Godavari District, and after conducting enquiry, fourth respondent ordered in favour of the petitioner. Aggrieved by the same, fifth respondent herein filed C.M.A.No.127 of 2005 before third respondent, namely, the Additional Agent to Government, East Godavari District, who is designated as an Agent for the purpose of the Regulation raised by G.O.Ms.No.193 dated 17.04.2002. Assailing said G.O. as well as the notice issued by the appellate authority, instant writ petition is filed.

A Division Bench of this Court to which I was a Member in W.P.No.1241 of 2005 and batch by common order dated 09.08.2007 considered the constitutional validity of G.O.Ms.No.193 dated 17.04.2002 and rejected all the contentions arriving at the following conclusions.

1. The impugned notification issued vide Notification No.193, dated 17.04.2002 does not suffer from any vice or invalidity by reason of not being assented to by the President of India under Paragraph 5(4) of Fifth Schedule to the Constitution of India.

2. By reason of impugned Notification issued by Governor of Andhra Pradesh under Paragraph 5(1) of Fifth Schedule, Section 3 of Delegation Act is also applicable to the Regulation I of 1959 made by the Governor under Paragraph 5(2) of Fifth Schedule.

3. There is no illegality or infirmity in Government of Andhra Pradesh designating Project Officers of Integrated Tribal Development Agencies as Additional Agent to Government in scheduled areas for the purpose of Regulation I of 1959, and exercise powers of Agents under the said Regulation.

4. The Additional Agent to the Government (Project Officer, ITDAs) is subordinate to the District Collector, though he exercises concurrent jurisdiction under Regulation I of 1959 and therefore, it is competent for the District Collector to transfer cases pending before him including the Appeals under Section 3(3)(a)(iii) to the Additional Agent.

Following the above judgment, this writ petition is dismissed and the petitioner is given liberty to approach third respondent, who is directed to dispose of the matter. No costs.

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(**V.V.S.RAO, J**)

14th August, 2007
ghn